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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,192	07/27/2001	Timothy Dawson	46918/DBP/M521	9619

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,192

Applicant(s)

DAWSON, TIMOTHY

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Just to complete the record, the substitute specification dated 1/9/2002 has been approved by the Examiner.

Claims 1-14 and 23-31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 9-10, and claim 23, lines 10-11, the phraseology "wherein the substantially rigid portion and the substantially plastic portion are of the same plastic" is not readily understood by the Examiner. How can one portion contain long fibers and the other portion be free of long fibers and both portions are from the same plastic? In claim 10, line 3, does the applicant mean "stable glass fibers"?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

As best understood, claims 1-10, 14, and 23-32 are further rejected under 35 U.S.C. 102(e) as being anticipated by Whitehead et al. As shown in Figures 3 and 4, Whitehead discloses a door module comprising a substantially rigid portion (34 formed of hard plastic, polypropylene, i.e. these plastics have long fibers/staple glass fibers, column 3, line 48), a substantially elastic portion (20, expanded polypropylene, i.e.,

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short fibers), a seal lip (142) or lips (28) having a "drip ledge" (the upper portion of extension 24/124), fasteners attached thereto (column 3, line 7), and attachment means (hollow portion 32 and the sealing that surrounds the hollow portion or extension clip rod attachments seen in Figure 2) for attaching noise reduction elements.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 1, 2, 4-10, 14, 23-25, and 27-32 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent #5-330343 in view of Seksaria et al. Japanese patent #5-330343 discloses a vehicle door comprising an inside panel (72) having a cut-out recess (61), and a door module (8 and 9) formed of plastic (rigid portion) and having electrical connections and clips, and a weather seal (6-elastic portion) formed about the periphery thereof which further acts to "direct" water away from the recessed opening. Japanese patent #5-330343 fails to disclose the rigid portion of the module to be formed of fiber reinforced plastic. Seksaria et al. disclose a door assembly formed of fiber reinforced plastic. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the module of Japanese patent #5-330343 with fiber reinforced plastic as taught by Seksaria et al. since fiber

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reinforced plastic is cheaper to manufacture, stronger, and lighter than conventional plastic.

Claims 11-13 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead et al. in view of Eckhardt et al. All of the elements of the instant invention are discussed in detail above except providing the glass fiber portion between 30-70%, 40%, having a length of about 20mm and a thickness of .02mm. Eckhardt et al. disclose a door module part formed of plastic glass fibers by 30% weight (column 5, line 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the rigid portion of the door module of Whitehead et al. with glass fibers by 30-70% or approximately 40% weight as taught by Eckhardt et al. since the approximate percentage of glass fibers provides for a stronger and less expensive plastic. It would have been further obvious to one of ordinary skill in the art at the time of the invention to provide the glass fibers of Whitehead to have a length of 20mm and thickness of .02mm since smaller glass fibers increase the strength of the plastic and one of ordinary skill in the art would maximize the strength and costs to manufacture verses the size of the glass fiber when forming the final plastic product.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Medebach et al. uses stable glass fibers in a door module similar to that of the applicant's invention. U.S. patent to Pfeiffer et al. uses long and short fibers for the door module similar to that of the applicant's invention. U.S.

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patent to Tamura et al. disclose a door element which uses 30-50% glass fibers by weight similar to that of the applicant's invention.

Applicant's arguments with respect to claims 1-14 and 23-32 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.



Jerry Redman
Primary Examiner